

A18
WASHINGTON POST

13 MAY 1977

STAT

Jury Undecided on Damages for CIA Mail Targets

NEW YORK, May 12 (AP)—A federal court jury said today its members had split on the amount of money they felt should be awarded to three plaintiffs whose mail had been opened by the CIA.

Eight jurors recommended payments to each defendant of \$5,000; one said \$2,500 and three said \$10,000.

Bert Neuburne, the attorney for one plaintiff, said the jury decision opens the way for potential U.S. government payments of \$1 billion since

the CIA allegedly opened 215,000 letters.

While other suits are on file, this is believed to be the first one to come to trial. The three asked damages totalling \$90,000 on the grounds that their constitutional rights were violated by the CIA.

Norman Birnbaum, a sociology professor at Amherst, Mass., asked \$50,000; E. Leonard Avery, an artist from Minneapolis, asked \$20,000; and Mary MacMillen of Cambridge, Mass., sought \$20,000.

The government did not deny that the CIA opened letters mailed by American citizens to the Soviet Union between 1953 and 1973 when the practice was discontinued.

However, it contended that none of the plaintiffs had suffered monetary damage, and that a token assessment of damages would serve the purpose of their complaints.

Judge Jack B. Weinstein said he would reserve his decision until he returns from Israel where he is to teach a law course at Hebrew University in Jerusalem.